

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD L. GATHERCOLE,

Defendant.

4:17CR3096

ORDER

Defendant is undergoing an evaluation and until that process is complete, he cannot assist his counsel in preparing for trial.

Accordingly,

- 1) The pretrial motion deadline and the trial of this case are continued pending resolution of any pretrial motions filed.
- 2) Within ten days after Defendant returns to the District of Nebraska from his evaluation, counsel shall contact the court and schedule a hearing to enter a new case progression schedule.
- 3) The ends of justice served by the foregoing continuance outweigh the interests of the public and the defendant in a speedy trial, and the time between the entry of the evaluation order, September 8, 2017, and the post-evaluation scheduling hearing shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

September 11, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge